

REMARKS

Claims 2, 3, 6-23, 25-41, and 66 are pending in the present application. Claims 8-16, 25-28, and 42-65 have been withdrawn from consideration. By the present amendment, claims 31 and 32 have been amended. Claim 66 is the only independent claim rejected in the Office Action of June 2, 2006. Non-elected claims 8-16 and 25-28 depend from claim 66 and, as such, have not been canceled.

Claim 66 has been rejected under 35 U.S.C. §102(b) on two distinct grounds - first in view of Sawada et al. (US 5,410,605) and also in view of Nakao (US 5,617,315). Applicant respectfully traverses each of these rejections. Regarding the reliance on Sawada under 35 U.S.C. §102(b), applicants note that the Office Action asserts that the Sawada et al. patent anticipates claim 66 because "Sawada discloses an active vibration control system comprising noise sensors 60₁-60₄ (motion sensors measuring the acceleration resulting from the vibration of a wheel)." In contrast, claim 66 recites a system for actively damping boom noise comprising, inter alia, "a motion sensor secured to a panel of said enclosure" wherein the motion sensor is "configured to produce a motion sensor signal representative of at least one of said plurality of low-frequency acoustic modes by measuring acceleration resulting from structural vibration of said panel." Applicant submits that it is untenable to assert that the wheel-based noise sensors taught in the Sawada et al. patent clearly anticipate the panel-mounted motion sensor recited in claim 66, particularly where the claim recites that the panel-mounted motion sensor produces a motion sensor signal representing one of the low-frequency acoustic modes of the enclosure by measuring acceleration resulting from structural vibration of the panel to which it is mounted. Indeed, the wheel-based noise sensors taught in the Sawada et al. patent merely comprise acceleration pickups provided for each wheel of a vehicle and are not mounted to an enclosure panel or configured to produce a signal representing an acoustic mode of the enclosure. Accordingly, applicant submits that the Sawada et al. patent does not support a rejection of claim 66 under 35 U.S.C. §102(b).

Regarding the rejection of claim 66 under 35 U.S.C. §102(b) based on the teachings of the Nakao patent, applicants note that the Office Action asserts that the Nakao patent anticipates claim 66 because it also teaches an active vibration damping system that includes, inter alia, a

“motion sensor 32.” However, applicant notes that the “motion sensor 32” taught in the Nakao patent is a sensor that “detects the vibration of the vehicle body 1” (see col. 10, lines 47-48). A microphone is also provided to detect “the vibration of air in the cabin” (see col. 10, lines 49-50). Neither the “acceleration sensor 32” nor the “microphone 2” is secured to a panel of the enclosure of interest or is configured to produce a signal representing an acoustic mode of the enclosure, as is recited in claim 66. In fact, the disclosure of the Nakao patent clearly teaches that the acceleration sensor “is disposed near the mounting portion of the engine” and the microphone is “disposed near a seat in the cabin” (see col. 8, lines 54-57). Further, the Nakao patent clearly teaches away from the recitations of claim 66 by explaining that the “acceleration sensor 32 does not detect the sound of the audio system” within the vehicle cabin (see col. 13, lines 38-39). In contrast, claim 66 clearly recites that the panel-mounted motion sensor produces a motion sensor signal representing one of the low-frequency acoustic modes of the enclosure. Accordingly, applicant submits that the Nakao patent also fails to support a rejection of claim 66 under 35 U.S.C. §102(b).

Because all of the remaining claim have either been allowed or depend from independent claim 66, applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

DINSMORE & SHOHL L.L.P.

By / James E. Beyer /
James E. Beyer
Registration No. 39,564

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
e-mail: james.beyer@dinslaw.com